

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CLARA LYNCH, individually, and on behalf of others similarly situated)	
)	
)	
Plaintiffs,)	No.: 3:14-cv-00619
)	
v.)	Judge Campbell
)	Magistrate Judge Bryant
TANDOOR INDIAN BISTRO,)	
)	JURY DEMANDED
Defendant.)	FLSA COLLECTIVE ACTION

INITIAL CASE MANAGEMENT ORDER

Pursuant to Local Rule 16.01(d)(2), the following Initial Case Management Plan is adopted:

- 1. JURISDICTION:** The Court has jurisdiction over this matter pursuant to the Fair Labor Standards Act of 1938, 29 U.S.C. § 216(b) (“FLSA”) and 28 U.S.C. § 1331. The jurisdiction of this Court to hear this controversy is not disputed.
- 2. PLAINTIFF’S THEORY OF THE CASE:** Plaintiff brings this collective action on behalf of herself and other similarly situated employees as authorized under 29 U.S.C. § 216(b). Plaintiff is a former employee of Defendant. During her employment with Defendant, she performed work for which she was not compensated at the minimum wage guaranteed by the FLSA. Defendant regularly and repeatedly failed to pay Plaintiff, and others similarly situated, the federal minimum wage guaranteed by the FLSA. Accordingly, Plaintiff and other similarly situated employees did not receive minimum wage for all hours worked, nor overtime wages for hours worked in excess of forty (40) hours per week.

DEFENDANT'S THEORY OF THE CASE:

Defendant denies that Plaintiff, and/or any other individual employees, were not compensated at the minimum wage guaranteed by the FLSA for any hours worked, including overtime hours.

3. IDENTIFICATION OF THE ISSUES:

- a. ISSUES RESOLVED: Jurisdiction and venue.
- b. ISSUES STILL IN DISPUTE: Liability and damages.

4. INITIAL DISCLOSURES AND STAGING OF DISCOVERY: The parties shall exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) on or before **July 28, 2014**. The parties shall complete all written discovery and depose all fact witnesses on or before **March 2, 2015**. Discovery is not stayed during dispositive motions, unless ordered by the Court. Prior to filing any discovery-related motions, the parties will schedule and conduct a telephone conference with the Magistrate Judge.

5. DISPOSITIVE MOTIONS: The parties shall file all dispositive motions on or before **March 30, 2015**. Responses to dispositive motions shall be filed on or before **April 30, 2015**. Optional replies shall be filed on or before **May 14, 2015**. If dispositive motions are filed early, the response and reply dates are moved up accordingly. All dispositive motions and response memoranda are limited to twenty-five (25) pages and the reply, if a reply is filed, is limited to five (5) pages, absent Court permission for longer pleading.

6. SUBSEQUENT CASE MANAGEMENT CONFERENCES: The parties shall participate in a subsequent case management conference on ~~or before~~ January 6,

at 9:30 A.M.

2015, This subsequent case management conference will be conducted by telephone and Plaintiff's counsel will initial the call.

7. **ALTERNATE DISPUTE RESOLUTION:** The parties believe alternate dispute resolution is appropriate in this case. However, the parties do not wish to set a target date for a report on the use of alternate dispute resolution at this time.
8. **CONSENT TO TRIAL BEFORE MAGISTRATE JUDGE:** The parties do not consent to trial before the Magistrate Judge.
9. **TARGET TRIAL DATE:** This is a jury trial. The estimated length of the trial is approximately 3-4 days. The parties request a target trial date of **September 15, 2015**.

It is so **ORDERED**.

John Bryant
JOHN S. BRYANT
United States Magistrate Judge

APPROVED FOR ENTRY:

s/ Michael L. Russell
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